

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
OCT 20 2015	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GARY PHILLIPS,

Plaintiff,

v.

ELKO COUNTY JAIL et al.,

Defendants.

3:15-cv-00420-RCJ-VPC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Elko County Jail, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed a petition for waiver of costs for authorization to appear in proper person. (ECF No. 4, 5).

The Court interprets Plaintiff's petition for waiver of costs for authorization to appear in proper person as an application to proceed *in forma pauperis*. Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* on this Court's approved form and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not filed an application to proceed *in forma pauperis* on this Court's approved form. (See ECF No. 4). As such, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 5), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*
3 *forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new application.

4 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
5 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
6 entitled information and instructions for filing an *in forma pauperis* application.

7 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
8 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
9 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
10 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
11 administrative fee).

12 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
13 dismissal of this action may result.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
15 No. 5), but shall not file it at this time.

16
17 DATED: This 20th day of October, 2015.

18
19 
20 United States Magistrate Judge
21
22
23
24
25
26
27
28